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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

IN RE: ZAPPOS.COM INC.,
CUSTOMER DATA SECURITY
BREACH LITIGATION

Case No. 3:12-cv-00325-RCJ-VPC

MDL No. 2357

Hon. Robert C. Jones, C.J.

THIS DOCUMENT RELATES TO:

CLASS ACTION

ALL ACTIONS

**STIPULATION AND [PROPOSED] ORDER GRANTING
DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS OF ALL PLAINTIFFS**

1 WHEREAS, the history of this litigation is protracted.

2 WHEREAS, on September 9, 2013, the Court entered an order granting in part and
3 denying in part Defendant Zappos, Inc.'s ("Defendant") motion to dismiss. Dkt. No.
4 114.

5 WHEREAS, on March 27, 2015, the Court entered an Order denying Plaintiffs'
6 Motion to Enforce Settlement. Dkt. No. 227.

7 WHEREAS, on June 1, 2015, the Court entered an Order dismissing Plaintiffs' claims
8 without prejudice. Dkt. No. 235.

9 WHEREAS, on May 6, 2016, the Court entered an Order dismissing most of
10 Plaintiffs' claims with prejudice and striking Plaintiffs' class allegations as they were
11 pleaded. Dkt. No. 279.

12 WHEREAS, on August 29, 2016, the Court entered an Order granting in part and
13 denying in part Plaintiffs' Motion for Reconsideration. Dkt. No. 287.

14 WHEREAS, all Plaintiffs now desire to seek appellate review, and they seek to do
15 so without delay rather than continuing to litigate the few claims potentially remaining
16 before this Court to finality;

17 WHEREAS, all parties agree to waive any claims to costs and attorney's fees as a
18 result of Plaintiffs' dismissals of their claims;

19 WHEREAS, Plaintiffs and Defendant have met and conferred and have agreed
20 pursuant to Fed. R. Civ. P. 41(a)(1) to stipulate to a voluntary dismissal with prejudice
21 of any and all remaining claims in this action for the purpose of terminating this Court's
22 jurisdiction over this case so that all Plaintiffs may appeal to the United States Court of
23 Appeals for the Ninth Circuit;

24 IT IS HEREBY STIPULATED BY AND BETWEEN Plaintiffs and Defendant,
25 through their respective counsel of record, that any and all remaining claims shall be
26 voluntarily dismissed with prejudice pursuant to a final Order, the nature of which is
27 described in 28 U.S.C. § 1291, with each party to bear its own attorneys' fees and costs.

1 IT IS SO STIPULATED.

2
3 IT IS SO ORDERED this 13th day of September, 2016.

4 
5 _____
6 ROBERT C. JONES
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CERTIFICATE OF SERVICE

I certify that on September 12, 2016, I caused to be electronically filed the foregoing document with the Clerk of Court using the Court's ECF system. I further certify that the foregoing document was served this day on all counsel of record via transmission of Notices of Electronic Filing generated by the CM/ECF.

By: /s/ David C. O'Mara